S.B. Criminal Misc. Bail Application No.3867/2006

Date : 11.09.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Shambhoo Singh for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that recovery has been effected from open place and possession aspect of the matter has not been established by the evidence. He prays that in view of above accused applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that previously the accused applicant was convicted of the same offence.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Talsaram son of Kevaji shall be released on bail in CR No.69/2006 P.S. Raivdar, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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